

planks or worm fence, well staked and ridered, made of good and substantial rails, at least four feet high from the ground to the top of the upper rail, and all worm fences not staked and ridered, shall be at least five feet high from the ground to the top of the upper rail, and the first or under rail, in post and rail or plank or worm fences shall not exceed five inches from the ground or embankment, on which the same is or may be built, and the width between the rails comprising the fence shall be such as is usual in the construction of good post and rail, plank or worm fences; and all brush fences made upon the surface of the ground, to be at least four feet high, and all brush fences made upon an embankment to be at least three feet high; *provided*, the embankments be eighteen inches high, and *provided*, that nothing contained in this act shall be so construed as to extend to other than outside fence or fences between proprietors; and if any live stock of any kind or description whatsoever, shall break into any person's enclosure, the same being of the height and sufficiency aforesaid, then the owner or owners of such live stock shall be liable to make good all such damages to the owner or owners of such enclosure, as shall be found and awarded by two or more judicious persons to be appointed by a justice of the peace in said county, said persons to view the same under oath, and make return before the justice of the peace by whom they were appointed; and the said damages to be recovered in the same manner, that is, or shall be prescribed by law for the recovery of small debts; *provided*, nevertheless, upon the trial before any justice of the peace for damages, at the instance of either party, it shall be the duty of said justice of the peace, to issue a *subpœna* for such witness as either plaintiff or defendant may require.

234. Whenever joint fences have or may be established in Lake's, Straights or Drawbridge districts of said county, for the mutual benefit or advantage of different owners or possessors of adjoining land, it shall be the duty of each party to keep up in good repair,

Proviso.

Damages for trespass.

How ascertained and recovered.

Proviso.

Witnesses.

Ibid. s 2.
Joint fences,
how to be kept
in repair.